

REMARKS

Claims 1 - 12 are in the case. Applicants note with appreciation the indication that Claims 1 - 8 and Claim 12 represent allowable subject matter. Through the present communication, Claims 9 - 11 have been amended to relate to an FCC process utilizing the compositions defined by Claims 1 - 5. No Claims have been amended to overcome prior art and no new matter has been added through these amendments.

CLAIM REJECTIONS UNDER 35 U.S.C. 112(SECOND PARAGRAPH) AND 35 U.S.C. 101

Claims 9 - 11 have been rejected under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101.

EXAMINER'S POSITION

The Examiner takes the position that Claims 9 - 11 are "use" Claims and fail to recite any steps involved in the process.

APPLICANTS' POSITION

Claims 9 - 11 have been amended to state that they are processes utilizing the compositions according to Claims 1 - 5. In short, Claim 9 relates to an FCC process utilizing the compositions according to any of Claims 1 - 3; Claim 10 relates to an FCC process utilizing the compositions according to Claim 4; and Claim 11 relates to an FCC process utilizing the compositions according to Claim 5.

Applicants take the position that Claims 9 - 11, as amended, are proper, respectfully noting *Ex parte Porter*, 25 USPQ2d 1144 (Bd. Pat. App. & Inter. 1992).

Based on the preceding amendments and remarks, the Examiner is requested to reconsider and withdraw all rejections, and pass this application to allowance. The Examiner is encouraged to contact applicants' attorney should the Examiner wish to discuss this application further.

Respectfully submitted,



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